

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1090 be amended to read as follows:

- 1 Page 2, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 27-8-9-9.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2009]: **Sec. 9.5. (a) As used in this section, "rental agreement"**
- 5 **means a written contract:**
- 6 **(1) that authorizes a renter to use a motor vehicle made**
- 7 **available by a rental company;**
- 8 **(2) under which a charge for use of the motor vehicle is made**
- 9 **at a periodic rate; and**
- 10 **(3) under which title to the motor vehicle is not transferred to**
- 11 **the renter.**
- 12 **(b) If:**
- 13 **(1) a claim arises from the operation of a motor vehicle that**
- 14 **is rented under a rental agreement; and**
- 15 **(2) under the rental agreement, the renter agrees to provide**
- 16 **insurance coverage for damage resulting from the renter's**
- 17 **operation of the motor vehicle;**
- 18 **the insurance coverage provided by the renter is primary.**
- 19 **(c) A claim described in subsection (b) may not be made by the**
- 20 **rental company against any insurance coverage available for the**
- 21 **motor vehicle until the limits of the insurance coverage provided**
- 22 **by the renter are exhausted.**
- 23 **(d) If:**
- 24 **(1) a claim arises from the operation of a motor vehicle that**

- 1 **is:**
 2 **(A) used in the business of transporting property for hire;**
 3 **and**
 4 **(B) rented under a rental agreement; and**
 5 **(2) under the rental agreement, the rental company and**
 6 **renter agree as to which of the parties' insurance coverage is**
 7 **primary for damage resulting from the renter's operation of**
 8 **the motor vehicle;**
 9 **the agreed upon primary insurance coverage is primary.**
 10 **(c) A claim described in subsection (d) may not be made against**
 11 **any insurance coverage available for the motor vehicle until the**
 12 **limits of the agreed upon primary insurance coverage are**
 13 **exhausted."**
 14 Page 2, between lines 8 and 9, begin a new paragraph and insert:
 15 **"(b) IC 27-8-9-9.5, as added by this act, applies to a claim arising**
 16 **after June 30, 2009."**
 17 Page 2, line 9, delete "(b)" and insert "(c)".
 18 Re-number all SECTIONS consecutively.
 (Reference is to HB 1090 as printed February 3, 2009.)

Representative Torr